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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,786	11/14/2003	Guenther Barrho	HOE-786	8777
20028	7590	03/10/2005	EXAMINER	
Lipsitz & McAllister, LLC 755 MAIN STREET MONROE, CT 06468			NGUYEN, TRAN N	
			ART UNIT	PAPER NUMBER
			2834	

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/713,786

Applicant(s)

BARRHO ET AL.

Examiner

Tran N. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Claim Rejections - 35 USC § 112*

2. **Claims 1-24** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Among claims 1-24**, the terms “which”, “it” and “its” do not clearly set the reference for the intended referential subject matters or an established antecedent basis subject matter.

**In claim 1**, “*each stator unit having at least one stato runits, each stator unit including...*” is indefinite because “*at least one stator unit*” being understood as positively there is one stator unit in the motor and probably there are more than one. Thus, the limitation definitely set the positive limitations as one (single) stator unit. The claimed language recites “each stator unit” wherein the term “each” implies that there are at least two units, e.g., each of the units. In light of the spec, it is understood as “*a stator having at least two stator units, each stator unit including...*”

Corrections are required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by

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another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. **Claims 17-19**, as understood, are rejected under 35 U.S.C. 102(e) as being fully anticipated by **Lee (US 6,713,936)**.

**Lee** discloses an electric motor (fig 3-5) comprising:

a housing (h);

at least one rotor (m) provided with magnetized regions and mounted rotatably about a rotor axis in the housing, and

a stator having two stator units (10, 20),

each stator unit including a set of first pole shoes (15, 25) formed as claw poles (16, 26) and a set of second pole shoes (11, 21) formed as claw poles (12, 22) which are disposed around the rotor axis,

as well as respective coils (13, 23) positioned following the rotor in the direction of the rotor axis and with its windings arranged to encircle the rotor axis, by means of which the first and second pole shoes can be magnetized, wherein

the first and second pole shoes lying on the same cylindrical surface which extends about the rotor axis and the one pole shoes being disposed in the gaps between the other pole shoes, i.e., the pole shoes with claw poles being in an intermeshed arrangement (figs 3-5);

the pole shoes disposed successively in an azimuthal direction around the rotor axis have identical angular spacings from each other (figs 3-4);

the first and second pole shoes extend so far in the first direction that their ends lie in a common plane running perpendicular to the rotor axis (figs 3-5).

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or

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improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

**Claims 1-24** provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over **claims 1-23 of copending Application No.10/714522** (hereafter *co-ap*'522 that was allowed on 1/13/05) in view of **Stenta (USP 6,700,255 B1**.

The present application and the *co-ap*'522 both claim the same following features:

An electric motor comprising:

a housing;

at least one rotor provided with magnetized regions and mounted rotatably about a rotor axis on bearing supports made of plastic in the housing, and

a stator having two stator units, each stator unit including a set of first pole shoes formed as claw poles and a set of second pole shoes formed as claw poles, which are disposed around the rotor axis, as well as respective coils positioned following the rotor in the direction of the rotor axis and with its windings arranged to encircle the rotor axis, by means of which the first and second pole shoes can be magnetized, the stator unit having two pole shoe elements of which a first pole shoe element has a first pole shoe carrier which extends transversely with respect to the rotor axis and is disposed on a side of the coil facing the rotor, as well as the first pole shoes formed integrally onto this carrier, which first pole shoes

extend away from the first pole shoe carrier in a first direction approximately parallel to the rotor axis, and of which a second pole shoe element has a second pole shoe carrier which extends transversely with respect to the rotor axis and is disposed on a side of the coil facing away from the rotor, as well as the second pole shoes formed integrally onto this carrier, which second pole shoes also extend the first direction away from the second pole shoe carrier approximately parallel to the rotor axis beyond the rotor, and

the first pole shoe elements carrying respective connecting elements which is formed as sleeves integrally onto the first pole shoe carrier and establishes a magnetic circuit between the pole shoe carriers, the connecting element being fixedly connected to the second pole shoe carrier, and wherein the connecting sleeves form a winding former for the coil; wherein

the second pole shoes overlap the coil;

the first and second pole shoes lie on the same cylindrical surface that extends about the rotor axis and that the one-pole shoes are disposed in the gaps between the other pole shoes;

the pole shoes disposed successively in an azimuthal direction around the rotor axis have identical angular spacings from each other;

the first and second pole shoes extend so far in the first direction that their ends lie in a common plane running perpendicular to the rotor axis;

connecting elements is welded to the second pole shoe carrier.

an electrically insulating coating on the sides that facing the coil of the connecting element and the pole shoe carrier, particularly the insulating material is glass coating comprising quartz; and,

wherein holding position of the rotor unit, determined by magnetic effect, relative to the respective stator units, are rotationally displaced in relation to each other by half a pole space.

The *co-ap*'522 substantially claims the same invention, particularly the bearing support made of plastic is connected to the second pole shoe carrier. The *co-ap*'522, however, does not

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claim *the plastic bearing support being molded on the the second pole shoe carrier* as present invention.

**Stenta**, however, teaches a plastic bearing support assembly (50) being molded for the purpose of snugly fit and high tolerances with no machining required, thereby minimizing manufacturing costs. Furthermore, molded bearings and molded bearing supports are well known in the art (see cited refs for evidence supporting this statement).

Thus, it would have been obvious to one skilled in the art at the time the invention was made to fabricate the bearing support assembly by molding the plastic material onto the second pole shoe carrier, as claimed in the present invention. Doing so would enable snugly fit between the bearing support and the stator as well as the housing thereof, and to minimizing manufacturing cost by eliminating the machining requirement to finish the bearing support assembly.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

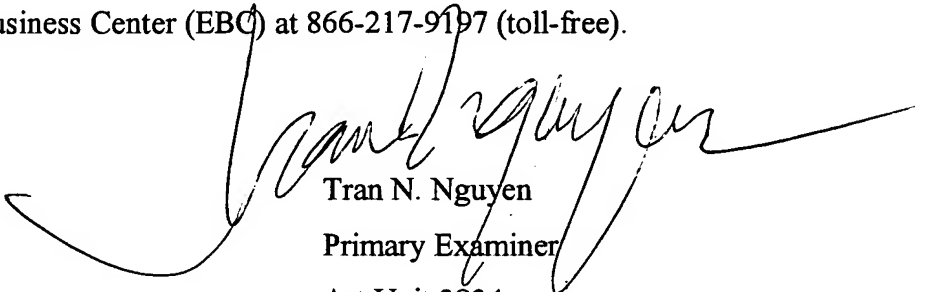
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tran N. Nguyen whose telephone number is (571) 272-2030. The examiner can normally be reached on M-F 7:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571)-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tran N. Nguyen  
Primary Examiner  
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